

REMARKS

Claims 1-18, 21, 39 and 40 were previously cancelled and claims 23 and 26 are canceled herein. There are no new claims added. Claims 19, 24, 27, 33 and 41-43 are amended. Accordingly, claims 19, 20, 22, 24-38 and 41-43 remain under prosecution in this application.

In the Drawings

The Examiner asked the undersigned to resubmit drawings which were previously submitted in the after-final amendment filed January 14, 2004. Included herewith are five sheets of drawings (Figs. 1-6b) identical to those drawings submitted in the January 14, 2004 amendment after final.

35 USC § 112, first paragraph

The Examiner has noted an error which was replicated across claims 19, and 41-43. Specifically, the erroneously phrase “actively lifting at least one actuating device” should have been --actively lifting the first brake pad--. This error has been corrected in claims 19, and 41-43 and accordingly, the Examiner’s rejection of these claims under 35 USC § 112, first paragraph is overcome.

35 USC § 112, second paragraph

The Examiner has set forth numerous indefiniteness rejections for claims 19, 24, 33, 41, 42, and 43. Each of the Examiner’s indefiniteness rejections have been addressed and corrected in the amended claims. Because of the straight forward nature of the Examiner’s indefiniteness rejections, no further comment is believed to be necessary.

35 USC § 102

Claims 19, 20, 22-25 and 35-37 are rejected under 35 USC § 102 as being anticipated by Martin. Claim 19 has been amended to incorporate the features of claims 23 and 26. Claim 19, as amended, requires amongst other things, that the spring assembly “includes a second leg portion supported . . . on the brake housing by two spring arms supported in the recess, wherein the two spring arms extend opposedly in a circumferential direction in order to prevent tilting movement of the spring assembly.” Martin does not teach “a second leg portion supported in a circumferential direction **on the brake housing** by two spring arms. . .” Neither does Martin

teach "... two spring arms [which] extend opposedly in a circumferential direction in order to prevent tilting movement of the spring assembly." For at least these two independent reasons, Martin does not anticipate claim 19, or its dependent claims, and accordingly the rejection of claims 19, 20, 22, 24, 25, and 35-37 is overcome.

35 USC § 103

Claims 26-34, 38, and 41-43 are rejected under 35 USC § 103 as being unpatentable over Martin in view of Spedding et al. The Examiner agrees that Martin lacks the claimed "two spring arms" and the Examiner attempts to make up for the deficiencies in Martin by combining it with the teachings of Spedding et al. The undersigned respectfully traverses this rejection as being improper for at least the two following reasons. Firstly, although Spedding et al does generally disclose a spring member having a "S" shaped middle portion, none of the references teach or suggest placing that "S" shape in the middle of a brake spring. Claim 19 is specifically directed to a brake assembly and accordingly, for there to be at least a prima facie motivation to combine Martin with Spedding et al, the undersigned submits that there must be some motivation to use the spring geometry set out in Spedding in a brake application. The undersigned cannot find any such motivation.

Secondly, even if there is motivation to combine Spedding with Martin, the undersigned believes that such a combination renders, at best, a spring which possess an "S" shaped portion. However, the claim, as a whole, is directed to much more than the geometry of a spring. Specifically, claim 19 requires the spring to have "a second leg portion that is supported in a **circumferential direction on the brake housing**. . ." None of the references of record teach or suggest a spring assembly which includes a second leg portion which is supported in a circumferential direction on a brake housing. Thus, even if there is prima facie motivation to combine Martin with Spedding, the combined references still fall far short of the claimed relationship between the second leg portion and the brake housing. Thus, for at least the two above reasons, the undersigned believes that rejection under 35 USC § 103 is overcome.

Claim 41, 42 and 43

Claim 41, 42 and 43 all include, amongst other limitations, "... a second leg portion in a circumferential direction on the brake housing by two spring arms supported in the recess. . . to prevent tilting movement of the spring assembly. . ." For the reasons mentioned in the

immediately preceding paragraph, none of the references of record teach or suggest the claim structure which gives rise to the prevention of tilting movement of the spring assembly, and accordingly, the undersigned believes that for this reason, claims 41, 42 and 43 are allowable.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. AP9974 from which the undersigned is authorized to draw.

Dated:

November 30, 2004

Respectfully submitted,

By 

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